

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES REUBEN FUNK,	:	
Plaintiff	:	
	:	CIVIL NO. 3:12-CV-2282
v.	:	
	:	(JUDGE NEALON)
WARDEN DOMINICK DEROSE,	:	(MAGISTRATE JUDGE BLEWITT)
Defendant	:	

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CHARLES REUBEN FUNK,	:	
Plaintiff	:	
	:	CIVIL NO. 3:12-CV-2327 ✓
v.	:	
	:	(JUDGE NEALON)
DEPUTY WARDEN ELIZABETH	:	(MAGISTRATE JUDGE BLEWITT)
NICHOLS,	:	
Defendant	:	

**FILED  
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**JAN 31 2013**

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CHARLES REUBEN FUNK,	:	
Plaintiff	:	
	:	CIVIL NO. 3:12-CV-2339
v.	:	
	:	(JUDGE NEALON)
WARDEN DOMINIC DEROSE,	:	(MAGISTRATE JUDGE BLEWITT)
Defendant	:	

**ORDER**

**AND NOW, THIS 31<sup>ST</sup> DAY OF JANUARY, 2013, for the reasons set forth in the**

**Memorandum issued this date, IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation is **ADOPTED**;
2. The Clerk of Court is instructed to **CONSOLIDATE** the cases docketed at Civil No. 12-2327 and Civil No. 12-2339 into Civil No. 12-2282; and to **CLOSE** Civil No. 12-2327 and Civil No. 12-2339;
3. Plaintiff's request for compensatory damages against Defendants in their official capacities is **DISMISSED with prejudice**;

4. The consolidated case, Civil No. 12-2282, is **DISMISSED without prejudice** for Plaintiff's failure to exhaust administrative remedies;
5. The Clerk of Court shall **CLOSE** the consolidated case at Civil No. 12-2282;
6. Plaintiff's motion for leave to proceed in forma pauperis, (Doc. 2), filed in the consolidated case, Civil No. 12-2282, is **GRANTED** solely for the purposes of filing this action; and
7. Any appeal will be deemed frivolous, lacking merit, and not taken in good faith.

A handwritten signature in black ink, appearing to read "William J. Carlson", written over a horizontal line.

**United States District Judge**